

\*\*E-Filed 8/10/2011\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ARVIND and ALKA AGARWAL,  
Plaintiffs,

v.  
OREGON MUTUAL INSURANCE COMPANY,  
and DOES 1-30, inclusive,  
Defendants.

Case No. 5:11-CV-02524-JF (HRL)

ORDER<sup>1</sup> DENYING *EX PARTE*  
APPLICATION FOR  
CONTINUANCE, VACATING  
HEARING, AND GRANTING  
MOTION TO TRANSFER

[Re: Docket Nos. 11, 21]

Defendants, who removed this matter from the Santa Clara Superior Court, now move to transfer it to the District of Nevada pursuant to 28 U.S.C. § 1404(a). Plaintiffs have not responded to the motion and instead have filed an *ex parte* application to continue the hearing scheduled for Aug. 12, 2011. Pursuant to Civ. L.R. 7-3(a), their opposition to the motion was due on or before June 17, 2011.

Because Plaintiffs' *ex parte* request was filed well beyond the time a response to the

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<sup>1</sup> This disposition is not designated for publication in the official reports.

1 motion was due, the application will be denied as untimely.<sup>2</sup> Because Defendants' motion  
2 appears well-taken and is unopposed, it will be granted.

3 **ORDER**

4 IT IS HEREBY ORDERED that Plaintiffs' *ex parte* application for a continuance on the  
5 hearing is DENIED. The motion hearing on Defendants' motion to transfer this matter to the  
6 District of Nevada is VACATED, and the motion is GRANTED. The Clerk shall transfer the  
7 file to the United States District Court for the District of Nevada.

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9 **IT IS SO ORDERED.**

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12 DATE: August 10, 2011

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JEREMY FOGEL  
United States District Judge

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25 <sup>2</sup> Plaintiffs filed for bankruptcy, in Las Vegas, Nevada, on May 19, 2011. Their request  
26 for a continuance is based primarily on the fact that they are waiting for the bankruptcy court to  
27 approve their attorney as litigation counsel. The application for that designation was not filed  
28 until Aug. 1, 2011. Even if Plaintiffs' bankruptcy counsel is responsible for any delay, as  
Plaintiffs' counsel for this matter contends, Defendants filed their motion to transfer on June 3.  
Plaintiffs had ample opportunity either to file a timely response or to request a continuance.